

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.32757 of 2008

1. MD.NIZAM @ MD.NIZAM SO OF MD. HABIB, RESIDENT OF VILLAGE- LACHHURAI, P.S. SIKANDRA, DISTRICT- JAMUI
2. MD.HABIB, SON OF MUSA HUSSAIN MARHUM, RESIDENT OF VILLAGE- NEAR PAKARI HIGH SCHOOL, P.S. PAKARIBARWA, DISTRICT- NAWADA

Versus
STATE OF BIHAR

2 **16.10.2008** Heard learned counsels for the petitioners and the State.

Petitioners are accused for the offence under section 384/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that that the present case has been lodged for ulterior purposes since the sister of the petitioner no.1 was married with Md. Anwar and she was being tortured for demand of dowry, and as such, she was contemplating to lodge a complaint, however on hearing the above contemplation just a day earlier in an attempt to nullify the said case the present complaint has been filed by the informant Sameena Khatoon, who is the Nanad of the sister of the petitioner no.1. It is further submitted that the sister of the petitioner no.1 filed the complaint on 18.09.2007 for the offence under section 498A of the Indian Penal Code and knowing the fact that the sister of the petitioner no.1 is going to file the case the present case has been filed one day earlier.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioners, namely, Md. Nizam @ Md. Nizam & Md. Habib be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Jamui, in connection with Complaint Case No. 1204 C of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/-

(Shailesh Kumar Sinha,J.)

